

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-443

July 6, 2001

COMPETITIVE ENERGY SERVICES  
Request for Waiver Requiring a Customer that  
Returns to Standard Offer Service to Pay a Penalty  
To Leave Such Service (Fisherman's Wharf Inn)

ORDER GRANTING  
WAIVER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On June 28, 2001, Competitive Energy Services (CES) filed a request for a waiver of the opt-out fee provisions of Chapter 301 (section 2(c)(2)). The CES request is on behalf of the Fisherman's Wharf Inn, a seasonal customer in the Central Maine Power Company (CMP) service territory. Fisherman's Wharf Inn has a multi-year contract with a competitive electricity provider (CEP) that began in September, 2000. When the Inn closed for the season last fall and asked CMP to discontinue delivery service, it was inadvertently dropped from its CEP within CMP's billing system. When the Inn reinstated delivery service in the spring, it was automatically registered as a standard offer service account. As a result, the customer would now have to pay an opt-out fee to leave standard offer and return to its CEP.

In its recent Order adopting changes to the opt-out fee provisions of Chapter 301, the Commission stated that waivers would be appropriate if the default to standard offer service was beyond the customer's control or otherwise not related to gaming the standard offer service. *Order Adopting Rule and Statement of Factual and Policy Basis*, Docket No. 2000-904 at 4 (Jan. 24, 2001). The Inn's default to the standard offer was not related to gaming, but was the result of billing system procedures for seasonal customers that appear automatically to drop a customer from its CEP when the customer discontinues delivery service.<sup>1</sup> Section 10 of Chapter 301 allows the Director of Technical Analysis to grant waivers that are not inconsistent with the purposes of the rule. I find that granting this request that the opt-out fee be waived is not inconsistent with the purpose of the fee. Therefore, the CES request, on behalf of Fisherman's Wharf Inn, for a waiver of the opt-out fee is hereby granted, but is conditioned upon the Inn being off the standard offer no later than its second meter read date following the date of this Order.

Dated at Augusta, Maine, this 6<sup>th</sup> day of July, 2001.

BY ORDER OF THE DIRECTOR OF TECHNICAL ANALYSIS

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Faith Huntington  
Acting Director

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<sup>1</sup>We intend to discuss with CMP whether its billing system can be modified so that this problem does not re-occur.